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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,929	10/23/2001	Jeffrey T. Johnson	J38.2-10197	2936

490 7590 05/28/2003
VIDAS, ARRETT & STEINKRAUS, P.A.
6109 BLUE CIRCLE DRIVE
SUITE 2000
MINNETONKA, MN 55343-9185

EXAMINER

WRIGHT, ANDREW D

ART UNIT	PAPER NUMBER
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3617

DATE MAILED: 05/28/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Applicant's,

10/047,929

JOHNSON

Examiner

Andrew Wright

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 May 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
2. Claims 2 and 4-6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
3. Claim 2 recites the limitation "the ridged grip handle" in lines 1-2. There is insufficient antecedent basis for this limitation in the claim. Claim 1 recites "a multi ridged hand grip section".
4. Claim 4 recites "two tines" then recites "a plurality of tines". It is unclear if the plurality is the same as the "two tines", or refers to different tines. Claim 4 then recites "the tines". It is unclear if "the tines" refers to the "two tines" or the "plurality of tines".
5. Claim 5 recites the limitation "the handle grip end" in line 2. There is insufficient antecedent basis for this limitation in the claim. Claim 4 recites "a hand grip end".
6. Claim 6 depends from claim 4.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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8. Claims 1-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lisowski (US 5,937,473) in view of Urie, Jr. et al. (US 5,505,154). Lisowski discloses a tool that comprises an elongate rod. The rod has a curved portion with an associated arc of curvature. The tool comprises a multi ridged hand grip (59) at one end of the rod. The tool comprises a tined section (14) at the other end of the rod. Lisowski does not disclose that the tines are in a plane substantially containing the arc of curvature of the rod. Lisowski teaches in lines 28-31 of column 1 that other tool attachments, such as brushes, may be used in place of the rake finger tool that is shown. Urie shows a tool that has a screw on brush attachment. Based upon the suggestion of Lisowski and the disclosure of Urie, it would have been obvious to one having ordinary skill in the art at the time the invention was made to replace the Lisowski finger rake with a brush. The motivation would be to use a brush to clean the boat hull instead of a finger rake. The Urie brush comprises bristles along its center line that are in line with the axis of the pole (see figure 2). The bristles constitute tines. Therefore, the use of the Urie brush on the Lisowski rod will result in a plurality of tines that project substantially out from the rod in the plane that contains the arc of curvature of the rod.

9. Regarding claim 2, the hand grip has an aperture in which strap (60) is held.

Regarding claim 3, the Lisowski tool is designed to float (line 35, column 3.)

10. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over the modified invention of Lisowski as applied to claim 1 above, and further in view of Nunziato (US 3,993,013). The modified invention of Lisowski comprises bristles that constitute tines. The bristles are connected by a base (32). The base constitutes a

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brace bar. The hand grip of the modified invention of Lisowski does not have cross-hatched ridges. Nunziato discloses a boat tool with a hand grip (26) that has cross-hatched ridges. The cross-hatched ridges enhance the user's grip. Therefore it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify the invention of Lisowski by using a hand grip with cross-hatched ridges. The motivation would be to enhance the user's grip.

Response to Arguments

11. Applicant's arguments with respect to claims 1 and 4 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

12. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Leas provides motivation for using curved rods on cleaning tools. Strong discloses a boat tool that has a curved handle and a brush. Brenneman discloses a cleaning tool that has a curved handle and a brush with bristles disposed in the arc of curvature of the tool. Eusebe discloses a tool having a curved rod, hand grip, and tines (two of which are disposed in the plane of the arc of curvature of the rod.)

13. Any inquiry concerning this communication should be directed to examiner Andrew D. Wright at telephone number (703) 308-6841. The examiner can normally be reached Monday-Friday from 9:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, S. Joe Morano, can be reached at (703) 308-0230. The fax number for official communications is 703-872-9326 for before final proceedings and 703-872-9327

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for after final proceedings. The fax number for the examiner for unofficial communications is 703-746-3548.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist at (703) 308-1113.

Andrew D. Wright
Patent Examiner
Art Unit 3617

AW 5/22/03